

AMENDED IN SENATE MARCH 22, 2010

SENATE BILL

No. 1051

Introduced by Senator Huff

(Coauthors: Assembly Members Adams, Fuller, and Logue)

February 16, 2010

An act to add Section 49414.7 to the Education Code, relating to pupil health.

LEGISLATIVE COUNSEL'S DIGEST

SB 1051, as amended, Huff. Emergency medical assistance: administration of diastat.

Existing law provides that in the absence of a credentialed school nurse or other licensed nurse onsite at the school, a school district is authorized to provide school personnel with voluntary medical training to provide emergency medical assistance to pupils with diabetes suffering from severe hypoglycemia.

This bill would authorize a school district, in the absence of a credentialed school nurse or other licensed nurse onsite at the school, to provide school employees with voluntary emergency medical training to provide emergency medical assistance to pupils with epilepsy suffering from seizures in accordance with performance standards developed by specified entities. The bill would require the State Department of Public Health to approve the performance standards for distribution and make the standards available upon request. *School employees who are trained and who administer diastat in good faith would be immune from liability for injuries resulting from acts or omission in administering the diastat.*

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. (a) The Legislature finds and declares that all
2 individuals with exceptional needs have a right to participate in a
3 free appropriate public education, and that special instruction and
4 services for these individuals are needed in order to ensure they
5 have the right to an appropriate educational opportunity to meet
6 their unique needs in compliance with the federal Individuals with
7 Disabilities Education Act (20 U.S.C. Sec. 1400 et seq.).

8 (b) It is the intent of the Legislature that individuals with
9 exceptional needs and children with disabilities under the federal
10 Americans with Disabilities Act of 1990 (42 U.S.C. Sec. 12101
11 et seq.) and Section 504 of the federal Rehabilitation Act of 1973
12 (29 U.S.C. Sec. 794) shall have a right to an appropriate
13 educational opportunity to meet their unique needs, and that
14 children suffering from seizures due to epilepsy have the right to
15 appropriate programs and services that are designed to meet their
16 unique needs. In order to meet that goal, it is the intent of the
17 Legislature to authorize nurses to train and supervise employees
18 of school districts and county offices of education to administer
19 diastat to children with epilepsy in the public schools. The
20 American Academy of Pediatrics and the Epilepsy Foundation of
21 America support training of school employees to administer diastat
22 and believe that diastat may be safely and effectively administered
23 by trained school employees. The Legislature further finds and
24 declares that it is in the best interest of the health and safety of
25 children to allow trained school employees to administer diastat
26 to pupils in public schools.

27 SEC. 2. Section 49414.7 is added to the Education Code, to
28 read:

29 49414.7. (a) ~~In~~ *Notwithstanding Sections 2052 and 2732 of*
30 *the Business and Professions Code, in the absence of a credentialed*
31 *school nurse or other licensed nurse onsite at the school, a school*
32 *district may provide school employees with voluntary emergency*
33 *medical training to provide emergency medical assistance to pupils*
34 *with epilepsy suffering from seizures. A school employee with*
35 *voluntary emergency medical training shall provide this emergency*
36 *medical assistance in accordance with the standards established*
37 *pursuant to subdivision (b), and the performance instructions set*
38 *forth by the licensed health care provider of the pupil. A school*

1 employee who does not volunteer or who has not been trained
2 pursuant to subdivision (b) shall not be required to provide
3 emergency medical assistance pursuant to this section.

4 (b) (1) The Legislature encourages the Epilepsy Foundation of
5 America to develop performance standards for the training and
6 supervision of school employees in providing emergency medical
7 assistance to pupils with epilepsy suffering from seizures. The
8 performance standards may be developed in cooperation with the
9 State Department of Education, the California School Nurses
10 Organization, the California Medical Association, and the
11 American Academy of Pediatrics. Upon development of the
12 performance standards, the State Department of Public Health
13 shall approve the performance standards for distribution and make
14 those standards available upon request.

15 (2) Training established pursuant to this subdivision shall include
16 all of the following:

17 (A) Recognition and treatment of epilepsy.

18 (B) Administration of diastat.

19 (C) Basic emergency followup procedures including, but not
20 limited to, calling the emergency 911~~-phone~~ telephone number
21 and, if possible, contacting the pupil's parent or guardian and his
22 or her licensed health care provider.

23 (3) Training by a physician and surgeon, credentialed school
24 nurse, registered nurse, or certificated public health nurse in
25 accordance with the performance standards established pursuant
26 to this section shall be deemed adequate training for the purpose
27 of this section.

28 (4) (A) A school employee shall notify the credentialed school
29 nurse assigned to the school district if he or she administers diastat
30 pursuant to this section.

31 (B) If a credentialed school nurse is not assigned to the school
32 district, the school employee shall notify the superintendent of the
33 school district, or his or her designee, if he or she administers
34 diastat pursuant to this section.

35 (5) All materials necessary to administer the diastat shall be
36 provided by the pupil's parent or guardian.

37 (c) *A school employee who is trained to administer, and who,*
38 *acting in good faith, administers diastat shall be immune from*
39 *criminal or civil liability for injuries resulting from his or her acts*
40 *or omissions in administering the diastat.*

1 ~~(e)~~
2 ~~(d)~~ For purposes of this section, “diastat” means diazepam rectal
3 gel, marketed as Diastat AcuDial, approved by the federal Food
4 and Drug Administration for patients with epilepsy ~~to control~~ *for*
5 *the management of* seizures.

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